

ZPW



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Colin Charles Owen GOBLE

Group Art Unit: 3739

Application No.: 10/667,324

Examiner: A. TOY

Filed: September 23, 2003

Docket No.: 114632

For: A SURGICAL INSTRUMENT

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the July 14, 2005 Election of Species Requirement, Applicant provisionally elects Species I, Figures 1, 2 and 3, with traverse. Applicant respectfully submits that at least claims 1-10 and 14-18 read on the elected species. Applicant also respectfully submits that at least claims 1-9 and 14-18 as well as Figure 1, are generic to all species, as acknowledged by the Election of Species Requirement.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid

unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



Thomas J. Pardini
Registration No. 30,411

Randi B. Isaacs
Registration No. 56,046

TJP:RBI/aaw

Date: August 2, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
